



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/720,106

11/25/2003

Masahide Kaneko

67162-030

4477

7590 02/26/2008
McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

WALSH, JOHN B

ART UNIT	PAPER NUMBER
----------	--------------

2151

MAIL DATE	DELIVERY MODE
-----------	---------------

02/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/720,106	Applicant(s) KANEKO ET AL.	
	Examiner John B. Walsh	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,931,659 to Kinemura.

As concerns claim 1, a communication assisting apparatus for mediating data transfer between a first data processing apparatus (figure 3, CATV station) and a second data processing apparatus (figure 3, L1), comprising: a first connection unit (cable modem unit A) connected by wire (column 1, line 60) with said first data processing apparatus, said first connection unit receiving data (column 3, lines 35-36) from said first data processing apparatus; a memory (buffer 5) for storing therein the data received by said first connection unit; and a second connection unit (cable modem unit B) connected by wireless (figure 3; column 3, line 60) with said second data processing apparatus, said second connection unit transmitting the data (column 3, lines 50-60) read out from said memory to said second data processing apparatus, wherein said second connection unit starts sending data stored in said memory after said first connection unit completes receiving the data and storing the data into said memory (col. 3, lines 52-53; data needs to be received, then it can be stored and then sent by the second unit).

As concerns claim 2, the communication assisting apparatus according to claim 1, further comprising: a processing section (CPU 4) for reading out the data stored in said memory according to a state of communication with said second data processing apparatus.

As concerns claim 3, the communication assisting apparatus according to claim 2, wherein said processing section suspends data transfer of the data stored in said memory until communication with said second data processing apparatus is established (figure 4; s11).

As concerns claim 4, the communication assisting apparatus according to claim 1, wherein said second connection unit receives further data different ("different" is a relative term; data is "received" data and is therefore different) from the data stored in said memory, by wireless from said second data processing apparatus (column 5, line 5-received data at B from 2nd dpa), wherein said memory (5) stores therein the further data received by said second connection unit, and wherein said first connection unit transmits (column 5, lines 31-32) the further data read out from said memory to said first data processing apparatus.

As concerns claim 5, the communication assisting apparatus according to claim 2, wherein said memory includes at least one of a rewritable non-volatile memory and a volatile memory (column 3, line 53).

As concerns 6, the communication assisting apparatus according to claim 5, wherein said rewritable non-volatile memory stores environmental data ("environmental" is merely a label) for setting operating conditions which is used by said second data processing apparatus (column 2, lines 18-32), wherein said processing section further reads out (column 3, line 51) the environmental data upon reading out the data stored in said memory, and wherein said second

Art Unit: 2151

connection unit transmits (column 3, lines 50-60) the environmental data read out by said processing section to said second data processing apparatus.

As best understood concerning claim 7, a communication system for performing data transfer a first data processing apparatus(figure 3, CATV station) and a second data processing apparatus (figure 3, L2), comprising: a first communication assisting apparatus (cable modem) connected by wire (column 1, line 60) with said first data processing apparatus; and a second communication assisting apparatus (L2) connected by wireless (figure 3; column 3, line 60) with said second data processing apparatus, wherein said first communication assisting apparatus comprises: a first wire connection unit (cable modem unit A) for receiving data from said first data processing apparatus; a first memory (a first portion of buffer 5) for storing the data received by said first wire connection unit; and a first wireless connection unit (cable modem unit B) connected by wireless with said second communication assisting apparatus, said first wireless connection unit transmitting the data (column 3, lines 50-60) read out from said first memory to said second communication assisting apparatus, and wherein said second communication assisting apparatus comprises: a second wireless connection unit (wireless unit of 27a) connected by wireless with said first communication assisting apparatus, said second wireless connection unit receiving data (receiving data through network figure 3) from said first communication assisting apparatus; a second memory (memory of 27a) for storing the data received by said second wireless connection unit; and a second wire connection unit (wires internal of 27a) for transmitting the data read out from said second memory to said second data processing apparatus after said second wireless connection unit completes storing the data into

Art Unit: 2151

said memory (col. 3, lines 52-53- data needs to be received first, then it is stored before being transmitted onward).

Response to Arguments

3. Applicant's arguments filed November 9, 2007 have been fully considered but they are not persuasive. The newly added claim limitations concerning the storing of data into memory has been given the broadest reasonable interpretation and addressed in the rejection above.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2151

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John B. Walsh
Primary Examiner
Art Unit 2151

/John B. Walsh/

Primary Examiner, Art Unit 2151